Utah State Charter School Board Meeting Minutes February 15, 2007 North & South Board Rooms Utah State Office of Education

APPROVED

Members present: Scott Smith, Julie Adamic, John Pingree, Joel Wright, Eric Smith, Barbara Killpack,

Brian Allen via conference call

Staff present: Marlies Burns, Gary Belliston, Jo Schmitt

Others present: Superintendent Patti Harrington, Mark Cluff, Tiffany Smith, Troy Walker, Dave Crandall, Jared Anderson, Roy Nichols, Monty Hardy, Michelle Laraway, Sharon Warner, Janene Bowen

Call to Order

Chair Scott Smith called the meeting to order at 10:12 a.m.

Swearing in of New Charter School Board Member

Chair Scott Smith swore Joel Wright in as a new member of the State Charter School Board. Mr. Wright replaces Sonia Zisumbo, who resigned as a member of the State Charter School Board in October, 2006.

Public Comments

Tiffany Smith, a parent and a member of the Advisory Council at Summit Academy, presented her concerns regarding Summit Academy and the pre-school that is operating at Summit Academy.

Executive Session

Motion was made by Member Barbara Killpack and seconded by Member Eric Smith to go into Executive Session to discuss personnel and real estate. Members Scott Smith, Julie Adamic, Brian Allen, John Pingree and Joel Wright voted in favor, with no members of the State Charter School Board voting in opposition.

Motion was made by Member John Pingree and seconded by Member Joel Wright to come out of Executive Session. Members Scott Smith, Julie Adamic, Barbara Killpack, Brian Allen and Eric Smith voted in favor, with no members of the State Charter School Board voting in opposition.

Motion was made by Member Eric Smith and seconded by Member John Pingree to instruct the State Charter School Staff to draft a letter to formally request the Attorney General's Office to investigate the Summit Academy pre-school and Ms. Coreen Smiley's involvement. In addition, Member Joel Wright requested the Attorney General's Office to provide to the State Charter School Board as many findings as possible as to what was wrong and inappropriate and what should be done in the future to avoid these issues. The motion was carried unanimously.

Moment of Silence

Chair Scott Smith suggested a moment of silence to public recognize the individuals involved in the shootings at Trolley Square Monday, February 12, 2007.

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Superintendent Harrington

Chair Scott Smith recognized Superintendent Patti Harrington's presence at the board meeting and stated that she has expressed her desire to be in attendance at the State Charter School Board meetings. Superintendent Harrington addressed the State Charter School Board and informed them there has been a rearrangement made in her office and she has asked Deputy Superintendent Ray Timothy to allow her to work directly with Scott Smith, Marlies Burns and the State Charter School Board as they work though Charter School issues. Superintendent Harrington stated she has a great zeal for charter schools and the innovation they represent and a great respect for the Charter School Board. She stated the State Board of Education is concerned about the Charter School Board rule, made more so because of the issue with Monticello Academy. The State Board of Education has established a four member team that will meet with a three member team coming from the State Charter School Board to meet and review the Charter School Board rule, to make sure it is consistent with Legislation and consistent with solving some of the issues that were pointedly and unfortunately raised by the Monticello Academy appeal situation. Superintendent Harrington recommended Chair Scott Smith appoint three members from the State Charter School Board to be part of the review team.

Approval of Minutes

Motion was made by Member Julie Adamic and seconded by Member Barbara Killpack to approve the minutes from the January 18, 2007 State Charter School Board Meeting. The motion was carried unanimously.

Charter School Board Chair's Report

Chair Scott Smith stated there are some concerns with the bills that are being presented in Legislation. Director Marlies Burns stated there are areas of concern with the bills, but she expressed her confidence of those meeting with leadership to convey the concerns that are felt.

Chair Scott Smith stated the issues he feels the bills should and need to address are: an increase in staff at the state office, parity in funding, administrative costs, training - regional service centers, and board benefits.

Motion was made by Member Joel Wright and seconded by Member Julie Adamic that the Charter School Board is opposed to House Bill #164. Mr. Wright stated that the board gave considerable input to the author of the bill, and that input has been almost entirely disregarded, and the State Charter School Board is very disappointed. The motion was carried unanimously.

Motion was made by Member Julie Adamic and seconded by Member Barbara Killpack to support Senator Stephenson's bill with administrative cost funding formula, charter school parity formula, the two FTE's for the State Office of Education, with an additional FTE, add language to sunset the cap on charter schools and take no position on the remainder of the bill. Chair Scott Smith amended the motion to add training-regional service centers and board benefits. Member Julie Adamic stated she would accept the amendment to her motion if the motion had priority over the amendment. Chair Scott stated the motion would have priority over the amendment. The motion was carried unanimously.

Information Items:

<u>USOE Travel Guidelines</u>-LesLee Snelson, Support Services Coordinator for the Law Legislative and Education Services Section at USOE, presented to the State Charter School Board a brochure that address polices that are necessary knowledge when traveling at state expense. In general, the state works on a reimbursement basis; you are reimbursed for your expenses after you have paid them personally. Because of complaints that have

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been received concerning the length of time it has taken to receive reimbursements, Ms. Snelson explained the reimbursement process and the length of time required to complete that process.

<u>USBE Decision Regarding Monticello Appeal</u>-Director Marlies Burns informed the State Charter School Board of the outcome of the appeal made to the State Board of Education by the State Charter School Board regarding Monticello Academy's amendment to their charter.

It was determined that Charter Schools may make an appeal to the State Board of Education, but the State Charter School Board may not.

Ms. Burns reminded the State Charter School Board that Monticello Academy will add 9th grade in the 2007-2008 school year, with 75 students maximum; Walden School was approved to be a K-12 school, so they will be adding K-6 grades in the 2007-2008 school year; Summit Academy was approved to add grades 8 and 9 for the 2007-2008 school year, which are all significant changes to their charters. Ms. Burns informed the State Charter School Board that new charter schools coming on board are being provided a pre-opening checklist that they are being held to, to make certain things are done in a timely manner in order to be ready to open for operation. Ms. Burns asked the State Charter School Board if they would like to request Monticello Academy, Walden School and Summit Academy to be held to the same requirements. The requirements include attend trainings, governance and management, staff in place, special education in order, materials available, systems in place for student files and reports, plans for safety, health and fire, facility arrangements made, and aware of testing schedules. Ms. Burns was instructed by the State Charter School Board to notify the three schools that have major changes in their charter for the 2007-2008 school year of the pre-opening checklist.

<u>Principal/Director Changes & Charter STAR Training-Director Marlies Burns informed the State Charter School Board that there have been seven directors/principals of charter schools either fired or let go from their positions in the last six months. She stated the State Charter School Office is working with the schools directly to ensure they are specifically invited to trainings on a monthly basis; board trainings as well as director's trainings.</u>

Member John Pingree inquired if the staff has looked into cause and reasons the employees had been terminated, and if the terminations have been valid. Ms. Burns informed the State Charter School Board that because of the directors/principals being at-will employees, the terminations have been valid; none of them have been discrimination terminations.

<u>Submission of Financial Statements and Board Minutes</u>-Gary Belliston distributed to the State Charter School Board a report of the charter schools that have submitted to the State Charter School Office requested monthly financial statements and board minutes. Mr. Belliston requested a change of date for those reports to be submitted, from the 10th of the month to the 20th in order for better compliance. Chair Smith requested Mr. Belliston to inform the schools of the new procedure and timeline for submitting information, so the board can be informed each board meeting of which is in compliance and which is not.

New Charter School Applications-Director Marlies Burns informed the State Charter School Board there were fifteen new charter school applications submitted to the State Charter School Office February 1, 2007. Nine were elementary schools, three were secondary schools, and three were K-12. Eight of them are located along the Wasatch Front, five in Southern Utah, one in the Uintah Basin and one statewide. Five of the applicants have presented before, and ten of the applicants are new. Fourteen came to pre-applicant training, one did not. If all fifteen applications were approved, there would be an additional 14,880 student enrollment for the 2008-2009 school year; which would make the potential enrollment total to nearly 45,000 students.

<u>2007-2008 Charter School Facilities Progress</u>-Gary Belliston informed the State Charter School Board of the progress of the charter schools opening in the fall of 2007. Canyon Rim Academy had a lease agreement with Granite School District for the 2006-2007 school year when they came to the State Charter School Board for approval. They were not approved for that school year and were under the assumption that the lease agreement would continue, but that is not the case. They are now in negotiations with Granite School District for the

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facility. Dual Immersion Academy is working with a developer to obtain a shopping center in Glendale. There is more space than they need, so they hope to lease out potions of the facility. Karl G. Maeser is currently negotiating with the office space where Moutainville is located and the year before where Odyssey Charter School was located. C.S. Lewis Academy is working with developer to locate a site in Santaquin. Mr. Belliston has been in contact with Santaquin City and the city is not pleased with the location C. S. Lewis Academy has chosen. Santaquin City wants the school to be located a quarter of a mile further than the proposed site, but because that property is more expensive, C.S. Lewis Academy would prefer to obtain the proposed site.

Discussion Items:

Rubric for SCSB Scoring New Applications-Director Marlies Burns presented the rubric to be used for the State Charter School Board to score new applications and asked for changes or suggestions. Member Barbara Killpack suggested changing point values for innovation and creativity. Member Julie Adamic suggested the schools not be punished in the scoring because they may weigh more heavily on one "purpose of charter schools" than another "purpose of charter schools." Chair Scott Smith suggested the State Charter School Board to review the rubric as quickly as possible and get changes or suggestions to Ms. Burns.

<u>Charter School Accountability Handbook</u>-Director Marlies Burns informed the State Charter School Board that she had presented the Charter School Accountability Handbook to the Audit Committee of the State Board of Education. Ms. Burns stated the handbook puts measurability to charter schools regarding their charter specific goals, not their state performance goals that are required legally, but more specifically what they stated they wanted to accomplish in their charter.

Action Items:

<u>UEN Steering Committee Nomination</u>-Director Marlies Burns informed the State Charter School Board they have been asked to recommend one person for a UEN Steering Committee. Ms. Burns stated there have been five individuals contacted for their willingness, and two individuals responded favorable. Those individuals are Jason Stanger, Principal at East Hollywood High, has been involved in the Charter School movement for three years, and Deborrah Gomberg, Principal at North Davis Preparatory Academy, and has been involved in Charter Schools since the beginning of that school. The committee meets bi-monthly and is a group of administrators, superintendents, and technology individuals that are involved with helping UEN meet the needs of public schools.

Motion was made by Member Julie Adamic and seconded by Member Barbara Killpack to nominate Deborrah Gomberg to represent Charter Schools on the UEN Steering Committee. The motion was carried unanimously. Member Joel Wright recused himself from the vote; he is presently working with East Hollywood High as legal counsel, helping them purchase a building.

Reagan Academy Amendment-Michelle Laraway and Sharon Warner representing Reagan Academy presented to the State Charter School Board the requested amendments to their charter: 1) to redefine mission and philosophy to clarify what was stated in the original charter; 2) streamline the governance structure and include the element of having elected board members; 3) outline process for addressing grievances at the school; and 4) school's policy regarding employment of relatives. Director Marlies Burns informed Reagan Academy that grievance procedures must include special education provisions, that language needs to be kept in their charter. Ms. Burns also stated charter may have two separate grievance procedures, one that is special education approved and one for non-special education issues.

Motion was made by Member Joel Wright and seconded by Member Barbara Killpack to recommend for approval to the State Board of Education the changes requested with the condition to keep the special education requirements. The motion was carried unanimously.

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Esperanza Charter School Appeal-Director Marlies Burns reminded the State Charter School Board of the timeline that was established for new charter school applicants. One item on that timeline was for new applicants to attend "New Applicant Training." The Charter School Office sent information to all known "Intent to Apply" candidates and posted on the Charter School website the timeline requirements that indicated potential dates for pre-applicant training. Ms. Burns informed the State Charter School Board this appeal is a pre-applicant training issue. Esperanza Charter School is the school that had not attended pre-applicant training, and the Charter School Office wanted to offer them an opportunity to appeal to the State Charter School Board. Roy Nichols, representing Esperanza Charter School, apologized for not submitting an"Intent to Apply" notification, but was unaware of the need. Mr. Nichols informed the State Charter School Board that his appeal is to be allowed to continue in the review process. Member Barbara Killpack stressed the importance of the pre-applicant training, and the value it has been to new applicants. Member John Pingree inquired if there were any way Mr. Nichols could receive the materials from the training and then be briefed on what was presented at the pre-applicant training. Ms. Burns stated she felt the information could be given to Mr. Nichols as part of a power point presentation and information that was shared at the training. Chair Scott Smith informed the State Charter School Board that Esperanza Charter School, even though had not attended the required re-applicant training, the application was sent to the readers for comment. Member Joel Wright stated because what Esperanza Charter School is offering to do is desperately needed, and he feels this type of charter school is not going to have as many resources, and going the extra mile for applicant training to help encourage success is a good idea.

Motion was made by Member John Pingree and seconded by Member Joel Wright to allow Esperanza Charter School to proceed in the approval process. The motion was carried unanimously.

Chair Scott Smith asked for volunteers to meet with members of the State Board of Education to discuss rule, to create language and bring clarity. Member Julie Adamic, Member Brian Allen, and Member John Pingree volunteered to be part of that meeting.

Chair Scott Smith informed the State Charter School Board of the Utah's Public Charter Schools 2005-2006 Annual Report. The report was produced by the USOE State Charter School Office and compiled and edited by the Utah Association of Public Charter Schools and CharterSTAR.

Member Joel Wright read a disclosure statement regarding his various functions and activities which include: serves on the Advisory Board of Lincoln Academy, son attends 1st grade at Lincoln Academy and wife is an art docent at the school; works for the law firm Holland and Hart, the firm represents three charter schools as they attempt to buy their building: East Hollywood High School, Fast Forward High School and Lincoln Academy; sits on Cedar Hills City Council, term ends 2007; Republic Legislative District Chair in District #57; mother, Carolyn Wright, elected to the Provo City School Board, term ends December 2010; father, David Wright, math professor at BYU, has lobbied vigorously against Investigations Math.

<u>Adjourn</u>

Motion was made by Member Barbara Killpack to adjourn meeting at 1:15 p.m.

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